

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

DARLINGTON AMADASU,	:	Case No. C-1-01-210
	:	
Plaintiff,	:	Judge Dlott
	:	
v.	:	Magistrate Judge Black
	:	
JAMES R. DONOVAN, M.D., <u>et al.</u>	:	REPLY MEMORANDUM IN
	:	SUPPORT OF OHIO DEFENDANTS'
Defendants.	:	MOTION TO STRIKE PLAINTIFF'S
	:	UNTIMELY "SUPPLEMENTAL"
	:	<u>BRIEF AND DECLARATION</u>

The Ohio Defendants submit that the Court should grant their motion (Doc. 113) to strike Plaintiff Darlington Amadasu's 38-page "supplemental" brief and his accompanying declaration. Nearly two weeks after the already-extended deadline for Amadasu to oppose summary judgment -- and after Amadasu had already filed a 73-page opposition brief with an 80-paragraph declaration -- he filed the "supplemental" briefs at issue, without seeking or obtaining leave of Court. For the reasons set forth in the Ohio Defendants' motion, Amadasu's actions violate Local Rule 7.2 and the June 2004 Order of the Court (Doc. 61). While Amadasu attempts to shift the blame for his untimely filings, he ignores the fact that the discovery period had ended more than four months before he served and filed the extensive "supplemental" briefs.

Nor is Amadasu's untimeliness excused by the January 2004 decision of Magistrate Judge David Perelman in *Amadasu v. The Christ Hospital et al.*, No. C-1-01-284. In that case, Magistrate Judge Perelman ruled that "the efficient administration of justice" dictated that a summary judgment motion (which was later granted against Amadasu) should be considered even though it was filed after the dispositive motion deadline. Conversely, in this case the efficient administration of justice is disserved by allowing Amadasu to further crowd an already overflowing docket in which nearly 130 pleadings have been filed.

For these reasons and those set forth in the Ohio Defendants' motion, it is respectfully submitted that Amadasu's "supplemental" filings should be stricken.

Respectfully submitted,

By: /s/ Justin D. Flamm

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and served copies of the foregoing upon Darlington Amadasu, Plaintiff Pro Se, at P.O. Box 6263, Cincinnati, Ohio 45206, via hand delivery, and upon Christopher Coppola, counsel for Claudia Miller and the University of Texas Health Science Center at San Antonio, at Assistant Attorney General for the State of Texas, General Litigation Division, P. O. Box 12548, Capitol Station, Austin, TX 78711, via regular United States mail, postage prepaid, this 19th day of August, 2005.

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